1952.

File No. O. Increase of Court fees of 52

Legal Deptt

BRANCH A

P. 2(E)

Subject:— Opinions under the Bombay Increase of Court-Fees (Repeal and Re-enactment) Act 1948

O. Increase of Court-Fees/52

File No.

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C O N T E N T S.

Legal Department File No. Court Fees Increase of 52.

Sr. No.	H.C.No./Cn.	Subject.	Pages.
		Opinions under the Bombay Increase of Court fees (Repeal and Re-enactment). Act, 1948.	
1.	Cn.10808 19-6-52.	Whether the surcharge in Court fees leviable under the Act is applicable to process fees levied under the High Courts notification No.140 is 26-1-1938 assined under Sec.20 of Court fees Act in assistance suits before the Revenue Courts.	1.

19/6

8/11/7

OFFICE OF THE R.L.A.

Bombay Increase of Court-fees(Repeal and Re-enactment) Act, 1948.

Surcharge on process fees.

The question for R.L.A's consideration is whether the surcharge in court fees leviable under the Bombay Increase of Court-fees (Repeal and Re-enactment) Act, 1948 is applicable to process fees levied under the High Court's notification No.140 dated the 26th January 1938 issued before the Revenue Courts.

2. In his opinion No.3409 dated the 10th May 1944, the R.L.A. has held that although the point is not free from doubt section 2 of the Bombay Increase of Court Fees Act, 1943 would be no authority for increasing the process fees unless the rules made by the High Court under section 20 of the Court-fees Act are amended for the purpose. The Bombay Increase of Court Fees Act, 1943 has been repealed and re-enacted by the Bombay Increase of Court-fees (Repeal and re-enactment) Act, 1948 and the R.L.A.'s opinion still holds good. The view taken by the Superintendant of Stamps in his letter dated the 3th May 1938 is correct.

Sd. P.B.Lad
17/6

o.c.

Remembrancer of Legal Affairs.

U.D. to R.D. No.10208, dated the 19th June 1948

WOP. 15-6-56